Nova Scotia

ANNUAL REPORT

for the period
April 1, 1999, to March 31, 2001

Public Prosecution Service

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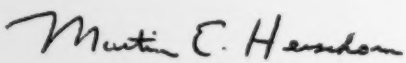
Honourable Murray Scott
Speaker of the Nova Scotia House of Assembly
Office of the Speaker
Province House
Halifax, Nova Scotia B3J 2Y3

Dear Mr. Speaker:

I have the honour of presenting to you, and through you to the Members of the Legislative Assembly, the Annual Report of the Nova Scotia Public Prosecution Service, as required by Section 13 of the *Public Prosecutions Act*. This report covers the period of April 1, 1999, to March 31, 2001.



Martin E. Herschorn, Q.C.
Deputy Director of Public Prosecutions

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THE MANDATE OF THE PUBLIC PROSECUTION SERVICE

In Nova Scotia all prosecutions for criminal and provincial offences are brought in the name of the Crown, because the Crown is responsible for bringing before the courts those accused of prohibited conduct that adversely affects the safety and well being of the community.

The mandate of this prosecution service is to ensure fair and equal treatment in the prosecution of offences.

All prosecutions within the jurisdiction of the Attorney General of Nova Scotia are the responsibility of the Director of Public Prosecutions and are conducted by the Crown attorneys of the Public Prosecution Service, independently of the Attorney General. The only limitation on the operational independence of the Director of Public Prosecutions arises when the Attorney General issues written instructions to the Director of Public Prosecutions. These instructions are binding and must be made public. This procedure preserves the ultimate prosecutorial authority of the Attorney General. It is a means of ensuring accountability to the electorate for the manner in which public prosecutions are conducted.

In support of its mandate, the Public Prosecution Service has adopted the following mission and goals.

MISSION

The mission of the Public Prosecution Service is to seek justice by prosecuting offences competently, with fairness and equal treatment for all persons.

HIGHLIGHTS 1999–2000

INDEPENDENT REVIEW OF THE NOVA SCOTIA PUBLIC PROSECUTION SERVICE

The year 1999–2000 was a significant year for the Nova Scotia Public Prosecution Service. The Honourable Fred Kaufman, a former judge of the Quebec Court of Appeal, completed an independent review of the performance of the Service at the request of the Minister of Justice and Attorney General.

The review was initiated to

- consider prosecutorial independence and public accountability
- examine the business elements of the Service
- recommend appropriate means and mechanisms for accountability, independence, efficiency of operations, and communication

Mr. Kaufman concluded his review in June 1999, making 29 recommendations to improve the operation of the Service. The Service accepted these recommendations and, by year's end, 27 of the 29 were either fully implemented or in the process of implementation.

Mr. Kaufman was optimistic about the future of the Public Prosecution Service (PPS), pointing to the many good people who work for the Service. He said that with proper leadership, better organization, good supervision, continuing legal education, and technological improvements, the PPS can become a "showcase" for the legal profession, providing not only good and efficient service, but also attractive career opportunities for young and competent lawyers.

KAUFMAN REVIEW RECOMMENDATIONS AND STATUS AS OF MARCH 31, 2000

RECOMMENDATION	*STATUS*
1. I therefore recommend that the *Public Prosecutions Act* be amended to require that where the Attorney General, after consultation with the Director of Public Prosecutions, exercises the statutory functions with respect to prosecutions set out in paragraph 6(e) of the *Public Prosecutions Act*, notice of this fact shall be published as soon as practicable in the *Royal Gazette*.	Implemented Amendment passed at Fall Session of the Legislature. Proclaimed November 23, 1999.
2. I therefore recommend that the Act be amended to require that not less than once a month meetings be held between the Attorney General and the Director of Public Prosecutions to discuss policy matters, as well as existing and contemplated major prosecutions.	Implemented Amendment passed at Fall Session of the Legislature. Proclaimed November 23, 1999.
3. I therefore recommend that a significant public information campaign be undertaken to educate the citizens of Nova Scotia about the role played by the Public Prosecution Service in the administration of criminal justice.	Implementation in process A long-term strategic communications plan is in development and will be phased-in. Media relations programming has been the first priority with the following results: the media policy has been revised to encourage Crown attorneys to participate in media interviews; a system of logging media inquiries to ensure prompt, accurate responses has been put into place; media monitoring is now routine; all public announcements are coordinated through Communications Nova Scotia. A basic web site has been established and remains under construction; a staff member has been trained as a web master. Internal communication has been improved by more consistent communication with staff on issues that affect them.
4. I therefore recommend that newsworthy events involving the Public Prosecution Service be publicized by the Service.	Implemented The Service regularly issues news releases on issues and cases of significant public interest (e.g. hiring of new Crown attorneys; disposition of charges). As well, the Service solicits interest in stories with individual reporters.
5. I therefore recommend that a system be put in place which would assure that prosecutorial decisions affecting victims, the police, and the witnesses be communicated to these parties as quickly as this can reasonably be done.	Implementation in process Current systems of notification are being reviewed with an aim to undertake an improved system by September 2000.

KAUFMAN REVIEW RECOMMENDATIONS AND STATUS AS OF MARCH 31, 2000, Continued

RECOMMENDATION	*STATUS*
6. I therefore recommend that a PPS-police liaison committee be struck to deal with problems and complaints arising from PPS-police relations. This committee should be composed of the DPP, or the DPP's delegate, the Chief of the Halifax Regional Police, or the Chief's delegate, the Assistant Commissioner of the RCMP, or the Assistant Commissioner's delegate, and a representative of the Nova Scotia Police Chiefs Association, with power to co-opt additional members. The committee should meet at regular intervals and minutes of these meetings should be circulated among the senior personnel of all participating parties.	Implementation in process An organizational meeting was convened in October 1999 with the Police and Public Safety Services Division of the Department of Justice, the Halifax Regional Police, and the RCMP. The date for a second meeting is currently being finalized. In the interim, liaison between the police and representatives of the Public Prosecution Service is continuing, at the local and regional level.
7. I therefore recommend that steps be taken to preclude "Crown shopping" by the police.	Implementation in process To be addressed by the Provincial Liaison Committee which is being established. (See #6 above.) Target date is September 2000.
8. I therefore recommend that the appointment and promotion process be revisited to make it open, accessible, and visibly fair.	Implemented Since the making of this recommendation, the Service has examined each competition closely to ensure that all stages of each competition comply with or exceed the fair hiring guidelines of the province.
9. I therefore recommend that the agendas for forthcoming meetings of the Management Committee be published in advance and distributed to all Crown attorneys.	Implemented
10. I further recommend that minutes of every meeting of the Management Committee be distributed to all Crown attorneys as soon as practicable after the meetings.	Implemented
11. I further recommend that Crown attorneys from different divisions be invited on a rotating basis to attend meetings of the Management Committee as observers.	Implemented
12. I therefore recommend that, where appropriate, there be a reduction of the number of *per diem* Crown attorneys, and that funds so saved be utilized to engage additional permanent staff.	Implemented This strategy has been and will continue to be used by the Service.

KAUFMAN REVIEW RECOMMENDATIONS AND STATUS AS OF MARCH 31, 2000, Continued

RECOMMENDATION	*STATUS*
13. I further recommend that provisions be made to compensate *per diem* Crown attorneys for time spent on preparation.	Implemented Commenced Oct. 1, 1999.
14. I further recommend that, wherever possible, Crown attorneys be relieved of the task of arranging their own replacements, and that this function be taken over by a designated person on the support staff.	Implemented
15. I further recommend that the performance of *per diem* Crown attorneys be monitored to ensure that quality of service is maintained.	Implementation in process Awaiting the report of a sub-committee of the Public Prosecution Service Management Committee, expected by June 30, 2000.
16. I therefore recommend that the terms of engagement of contract Crown attorneys be re-examined so that existing inequalities may be removed where possible.	Implemented
17. I further recommend that a feasibility study be made of extending certain benefits, such as sick days, to contract Crown attorneys.	Implementation pending Requires further consultation with Department of Human Resources, which sets the applicable policy within government.
18. I therefore recommend that meaningful performance appraisals of all staff be made once a year.	Implemented Ongoing implementation re professional staff. Current and accurate job descriptions are being developed for all support staff, which will facilitate performance appraisals.
19. I therefore recommend that members of the PPS who may wish to apply for management positions be required to attend appropriate educational seminars.	Implemented Currently 2 Crown attorneys are participating in Executive Leadership Development Programs and 2 Crown attorneys are enrolled in the MPA(M) Program at Dalhousie University.
20. I further recommend that incumbent managers be urged to pursue appropriate courses to keep them current in management theory and practice.	Implemented One chief Crown attorney is currently enrolled in the Department of Human Resource's Executive Leadership Development program. Four other chief Crown attorneys have completed this program.
21. I therefore recommend that additional funds be allocated to enable more Crown attorneys to attend continuing legal education events.	Implementation pending Requires further discussion with the Minister of Justice and the Policy and Planning Secretariat.
22. I further recommend that mentor programs, case conferences, and in-house seminars be instituted.	Implemented

KAUFMAN REVIEW RECOMMENDATIONS AND STATUS AS OF MARCH 31, 2000, Continued

RECOMMENDATION	*STATUS*
23. I further recommend that management make every effort to increase the frequency and regularity of the *Crown Attorneys' Newsletter*, and that contribution to this letter be sought from Crown attorneys at all levels.	Implementation in process Input is now being sought from all PPS employees regarding content for an all-inclusive newsletter serving both Crowns and support staff. A newsletter proposal is expected by March 30, 2000.
24. I further recommend that "juniors" be more frequently assigned to observe and assist senior counsel.	Implemented
25. I recommend that the Director of Public Prosecutions be authorized to exceed the budget by five per cent, but only for extraordinary prosecutions, and that any such over-expenditure be reviewed by a designated person within a specified time frame.	Implemented Amendment passed at Fall Session of the Legislature. Proclaimed November 23, 1999.
26. I recommend that consideration be given to the employment of paralegals to assist the professional staff.	Implementation in process As a first step, a job description for a PPS paralegal position is being developed. The service currently employs one paralegal on a casual basis and provides work placements for paralegal students.
27. I recommend that the complaints procedure be revised; that it be made more responsive to the parties, and that the allowable time for dealing with complaints be considerably shortened.	Implemented Revised policy, with reduced response times, implemented May 12, 1999.
28. I recommend that the legislative exclusion of government lawyers under the *Civil Service Collective Bargaining Act* be repealed and that the Act be amended to establish a Staff Lawyers Bargaining Unit.	Implementation in process Modified by the new government. The Kaufman Review stated that an agreement on determining Crown attorneys' compensation was preferable to an imposed regime of the type referred to in this recommendation. That agreement was reached between the government of Nova Scotia and the Nova Scotia Crown Attorneys' Association in January 2000.
29. I recommend that within one year from this date (May 31, 1999), the Director of Public Prosecutions report on the implementation of recommendations contained in this report which are accepted.	Implementation in process Ongoing through status reports distributed service-wide, monthly. A year-end report and reporting to the public on progress being made will occur throughout the year.

SALARY-SETTING MECHANISM ESTABLISHED FOR CROWN ATTORNEYS

In January 2000, Nova Scotia's Crown attorneys and the provincial government reached an agreement on a salary-setting mechanism for the province's prosecutors.

The long-standing salary issue was addressed in the independent review of the PPS conducted last year by the Honourable Fred Kaufman. Kaufman urged that Crown attorneys and government come up with an agreement on their own, saying it was preferable to the alternative solution of amending the Civil Service Collective Bargaining Act to establish a staff lawyers bargaining unit (Recommendation 28).

The agreement outlines a procedure for discussion, negotiation, and arbitration aimed at determining salaries for all non-managerial Crown attorneys within the Public Prosecution Service. It also calls for the development of a mechanism for dispute resolution and for discussions on other terms and conditions of employment.

A working group established by government and comprised of representatives of the Nova Scotia Crown Attorneys' Association, the Department of Human Resources, and management of the Public Prosecution Service drafted the agreement. With the mechanism in place, groundwork begins for actual salary negotiations.

OPERATIONS 1999–2000

The Service's operational goals:

- provide a Public Prosecution Service that reflects professional competency, dedication to public service, and high ethical standards
- provide a Public Prosecution Service that identifies and allocates the resources required to carry out its mission
- provide a Public Prosecution Service that reflects the application of best business practices consistent with providing high-quality service
- provide within the Public Prosecution Service an environment that allows for the independent exercise of prosecutorial discretion
- provide a Public Prosecution Service that is reflective of the community it serves

In attaining these goals, the following performance measurements—many coinciding with recommendations made in the Kaufman Review—were recorded in 1999–2000:

a. Provide a Public Prosecution Service that reflects professional competency, dedication to all public service, and high ethical standards:

- prosecuted 32,897 Criminal Code cases
- prosecuted 7,914 provincial statute cases
- prosecuted 35 appeals before the Nova Scotia Court of Appeal and the Supreme Court of Canada
- funded 19 Crown attorneys to attend the National Criminal Law Program in Montreal
- funded a three-day annual conference for Crown attorneys and a two-day conference for support staff of the Public Prosecution Service in September 1999
- participated in the following operational or policy initiatives:
  - the Director of Public Prosecutions initiative on disclosure
  - Forms Committee
  - Restorative Justice
- continued participation at meetings of Federal/Provincial/Territorial Ministers and Deputy Ministers, Coordinating Committee of Senior Officials and Heads of Prosecution meetings, provincial Deputy Ministers meetings, and meetings of the Justice Coordinating Committee
- reduced the response and resolution time on all complaints referred to the Public Prosecution from six months to 100 days

b. Provide a Public Prosecution Service that identifies and allocates the resources required to carry out its mission:

- continued to develop a case management information system
- moved the Antigonish office into new quarters and upgraded the Liverpool office, both facilities complying with space and security requirements
- hired one additional permanent Crown attorney in both the Kentville and the Port Hawkesbury offices
- began planning and budgeting for potential prosecutions flowing from Operation Hope, the RCMP investigation of institutional abuse
- implemented a new policy regarding the use of per diem Crown attorneys

- continued phasing-in the redistribution of per diem Crown attorney funding from per diem rates to permanent Crown attorney positions, where possible and feasible
- the Special Prosecutions section continued its structural evolution to handle major cases such as Operation Hope and Aboriginal rights files
- began planning a wiretap training program for Crown attorneys
- assessed and implemented security requirements for all Public Prosecution Service offices across the province
- upgraded computer technology in all Public Prosecution offices across the province
- participated in a government-wide exercise assessing the impact of Y2K on operations and preparing as required

c. Provide a Public Prosecution Service that reflects the application of best business practices consistent with providing a high-quality service:

- continued with the process of providing executive training for members of the Management Committee
- initiated the strategic planning process for the Service
- continued to monitor the best practices of other prosecution services in Canada and internationally through participation at joint meetings of the Federal/Provincial/Territorial Ministers and Deputy Ministers, Coordinating Committee of Senior Officials, Heads of Prosecutions, and the International Association of Prosecutors

d. Provide within the Public Prosecution Service an environment that allows for the independent exercise of prosecutorial discretion:

- continued to inform stakeholders on the role of the Service and, in particular, the role of Crown attorneys in the administration of justice
- continued to educate the members of the Public Prosecution Service on the independence of the Service and its relationship with the Department of Justice

e. Provide a Public Prosecution Service that is reflective of the community it serves:

- continued support for the Indigenous Black and Mi'kmaq Program at Dalhousie Law School by funding an articled clerk position in cooperation with the Department of Justice
- continued to develop a policy on employment equity and diversity

HIGHLIGHTS 2000–01

REPORT ON THE WESTRAY PROSECUTION

April 2000 saw the release of an independent report on the Westray Prosecution. After the Honourable Fred Kaufman began his Review of the Nova Scotia Public Prosecution Service (submitted in June 1999), he concluded that a detailed analysis of the Westray prosecution was necessary. Mr. Kaufman commissioned two Halifax lawyers, Duncan Beveridge, Q.C., and Patrick Duncan, Q.C., to conduct that analysis.

The Westray mine exploded in May 1992, killing 26 miners. Prosecution of the mine's operators was initiated in April 1993. Eventually, the prosecution team decided not to proceed with the case because they had concluded there was no reasonable chance of conviction. The decision resulted in public criticism.

The review of the Westray prosecution concluded that the decision of the prosecution team was "not unreasonable."

Among key specific findings of the review are

- the PPS's efforts were initially affected by a lack of adequate resources and by a lack of staff trained in major, complex cases
- there was no undue delay in coming to the decision to stop the prosecution
- there was no evidence to support criticisms the Crown was "playing to win or playing to an enraged public" through late or non-disclosure of evidence
- the decision to stop the prosecution was based upon a consideration of appropriate factors and application of the appropriate legal test and was "not unreasonable"

The recommendations of the Westray prosecution review were accepted by the Service and have been acted upon. In response to the recommendations, the Service has

- commenced a review of Canadian and international jurisdictions' directives on initiating a prosecution to lead to the development of a revised Nova Scotia directive that will provide clearer guidance to Crown attorneys on this issue
- provided increased training to Crown attorneys that will enhance their ability to conduct major prosecutions
- increased the use of co-counsel on major prosecutions to provide more Crown attorneys the opportunity to work on major files
- developed and implemented a protocol to facilitate the prompt assembly of Crown attorneys to provide timely advice to police in complex investigations

OPERATIONS 2000–01

The Service's operational goals:

- provide a Public Prosecution Service that reflects professional competency, dedication to public service, and high ethical standards
- provide a Public Prosecution Service that identifies and allocates the resources required to carry out its mission
- provide a Public Prosecution Service that reflects the application of best business practices consistent with providing high-quality service
- provide within the Public Prosecution Service an environment that allows for the independent exercise of prosecutorial discretion
- provide a Public Prosecution Service that is reflective of the community it serves

In attaining the goals of the Public Prosecution Service, the following performance measurements were recorded in 2000-01:

a. Provide a Public Prosecution Service that reflects professional competency, dedication to all public service, and high ethical standards:

- prosecuted 30,131 Criminal Code cases
- prosecuted 6,978 provincial statute cases

- prosecuted 42 appeals before the Nova Scotia Court of Appeal and the Supreme Court of Canada
- funded 10 Crown attorneys to attend the National Criminal Law Program held in Calgary
- funded a three-day annual conference for Crown attorneys and a two-day conference for support staff of the Public Prosecution Service in September 2000
- participated in the following operational or policy initiatives:
  - Provincial Forms Committee
  - Restorative Justice
- continued participation at meetings of Federal/Provincial/Territorial Ministers and Deputy Ministers, Coordinating Committee of Senior Officials and Heads of Prosecution meetings, provincial Deputy Ministers meetings, and meetings of the Justice Coordinating Committee
- maintained the response and resolution time on all complaints referred to the Public Prosecution at 100 days

b. Provide a Public Prosecution Service that identifies and allocates the resources required to carry out its mission:

- moved the Digby office to new quarters better equipped to meet PPS space and security requirements
- finalized and began implementing a plan and budget for potential prosecutions flowing from Operation Hope
- conducted a wiretap training program for Crown attorneys
- consolidated the Bedford and Dartmouth offices at the Dartmouth location
- developed and began implementing a Service-wide strategic communications plan
- began a comprehensive media-training program for all Crown attorneys
- revamped the Crown attorney newsletter—now called *CrownSide*—and launched *On the Docket*, a newsletter targeted at all PPS staff and some external stakeholders
- initiated a Service-wide audit of spousal partner violence prosecutions

c. Provide a Public Prosecution Service that reflects the application of best business practices consistent with providing a high-quality service:

- continued with the process of providing executive training for members of the Management Committee
- continued to monitor the best practices of other prosecution services in Canada and internationally through participation at joint meetings of the Federal/Provincial/Territorial Ministers and Deputy Ministers, Coordinating Committee of Senior Officials, Heads of Prosecutions and the International Association of Prosecutors
- hosted a meeting of administrative and business managers with prosecution services across Canada

d. Provide within the Public Prosecution Service an environment that allows for the independent exercise of prosecutorial discretion:

- continued to inform stakeholders on the role of the Service and, in particular, the role of Crown attorneys in the administration of justice
- continued to educate the members of the Public Prosecution Service on the independence of the Service and its relationship with the Department of Justice

e. Provide a Public Prosecution Service that is reflective of the community it serves:

- continued support for the Indigenous Black and Mi'kmaq Program at Dalhousie Law School by funding an articled clerk position in cooperation with the Department of Justice
- continued to develop a policy on employment equity and diversity

THE ROLE OF THE ATTORNEY GENERAL

In Nova Scotia, the Minister of Justice is also the Attorney General and superintends all matters connected with the administration of justice in the province except those within the jurisdiction of the Attorney General of Canada. The Attorney General's functions and powers include legislative responsibility for affairs and matters relating to courts and prosecutions. He or she is the Law Officer of the Crown and the Chief Public Prosecutor.

By virtue of this role, the Attorney General has the right to be informed about the conduct of police activities and individual criminal prosecutions. This right is normally only exercised in exceptional cases. No such right exists for any other member of the executive council or of government. This not only protects the integrity of the criminal justice system, but also serves to shield government members and their staff from the accusation of attempting to interfere in the administration of justice.

The Public Prosecutions Act ensures the accountability to the Legislative Assembly of the Attorney General in his or her capacity as Chief Public Prosecutor. Section 6 of the act provides that the Attorney General is responsible for the Public Prosecution Service and is accountable to the Assembly for all prosecutions. This ensures that ultimate control over prosecutions remains in the hands of an elected official.

By virtue of subsection 6 (a) of the Public Prosecutions Act, the Attorney General is entitled to issue general instructions or guidelines in respect of all prosecutions, or a class of prosecutions, to the Public Prosecution Service after consultations with the Director of Public Prosecutions. During the period April 1, 1999, to March 31, 2001, the Attorney General issued Home Invasion Prosecution Guidelines. These guidelines define for Crown attorneys a home invasion and outline the nature of sentencing considerations in these cases. The guidelines are intended to support the continuing efforts of Crown attorneys to prosecute home invasions to the fullest extent of the law.

By virtue of subsection 6 (b) of the Public Prosecutions Act, the Attorney General is entitled to issue instructions or guidelines in a particular prosecution after consultation with the Director of Public Prosecutions. During the period April 1, 1999, to March 31, 2001, the Attorney General did not have occasion to exercise his authority with this provision.

By virtue of subsection 6 (e) of the Public Prosecutions Act, the Attorney General is entitled to exercise all statutory functions with respect to prosecutions after consultation with the Director of Public Prosecutions. During the period April 1, 1999, to March 31, 2001, the Attorney General did not have occasion to exercise his authority under this provision.

THE ROLE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

The Director of Public Prosecutions is the head of the Public Prosecution Service, which conducts all prosecutions independently of the Attorney General on behalf of the Crown in right of Nova Scotia. This includes the prosecution of offences under the Criminal Code, certain other federal statutes (e.g., Migratory Birds Convention Act, Canada Shipping Act, Small Vessel Regulations, and Explosives Act), and most offences under provincial statutes. Prosecutions for violations of other federal statutes are conducted by agents of the Attorney General of Canada.

The Director of Public Prosecutions, as the lawful Deputy of the Attorney General with respect to prosecutions under the Criminal Code and under the Summary Proceedings Act, can exercise any of the powers conferred upon the Attorney General. These include the preferring of direct indictments or consenting to the laying of a new information following a discharge of an accused at a preliminary inquiry. When these powers are exercised in indictable matters, a report can be provided to the Attorney General at his or her request or upon the initiative of the Director of Public Prosecutions. This would allow the Attorney General to be in a knowledgeable position should any of these decisions be questioned in the House of Assembly or should the Attorney General wish to exercise any of the powers conferred by section 6 of the Public Prosecutions Act.

The Director of Public Prosecutions also has the status of deputy head and the provisions of the Civil Service Act and regulations relating to a deputy or a deputy head apply to the Director of Public Prosecutions.

The Director of Public Prosecutions must be a barrister of at least 10 years' standing. If from another province, he or she must become a practising member of the Nova Scotia Barristers' Society within one year of appointment. The Director of Public Prosecutions holds office during good behaviour and may be removed from office for cause by a resolution of the Assembly.

THE ROLE OF THE CROWN ATTORNEY

Crown attorneys in Nova Scotia are responsible to the Director of Public Prosecutions through a chief Crown attorney for the conduct of prosecutions. The conduct of a prosecution involves not only the conduct of the trial itself, but also a myriad of other activities essential to a fair prosecution. Crown attorneys therefore conduct arraignments, show cause (bail) hearings, preliminary inquiries, sentencings, appeals to the Supreme Court of Nova Scotia, appeals to the Court of Appeal, appeals to the Supreme Court of Canada, disposition and review hearings before the Criminal Code Review Board, and fatality inquiries. In addition, they provide pre-charge advice to the police and provincial government enforcement officials, participate in the formulation of policy advice on the criminal law, participate in management activities aimed at improving the delivery of prosecutorial services to our community, prepare professional papers, and conduct and participate in public speaking engagements. In short, they discharge a number of responsibilities of fundamental importance to our community.

In discharging these responsibilities a Crown attorney must be guided by the law, codes of professional ethics, and the public interest. The public interest involves many considerations. It encompasses the need to protect citizens by convicting criminals and deterring crime. The community is entitled to have those charged with offences prosecuted firmly and efficiently, but it also expects them to be prosecuted fairly. Properly balanced, the public interest in the conviction of the guilty does not conflict with the principles of fundamental justice.

The notion that all accused should receive fair and equal prosecutorial treatment by the Crown is an aspect of the rule of law. Canada's judicial system operates on an adversarial trial model. It is left up to the parties to frame the issues before the court and present the evidence in support of their case. The role of defence counsel in this model is to do everything that can be ethically done to secure an acquittal for an accused who has chosen to plead not guilty. The role of Crown attorney, on the other hand, excludes any notion of winning or losing. The Supreme Court of Canada has expressed the proper frame of mind of those who represent the Crown in the following words:

> ... the situation which the Crown occupies is not that of an advocate in a civil case. His functions are quasi-judicial. He should not seek so much to obtain a verdict of guilty as assist the judge and jury to render the most complete justice. Moderation and impartiality should always characterize his conduct before the court. He will in fact have honestly fulfilled his duty

> and will be beyond reproach, if, putting aside any appeal to emotions, in a dignified manner consistent with his role, he exposes the evidence to the jury without going beyond what it actually reveals
>
> *Boucher v. Her Majesty the Queen [1955] S.C.R. 16*

On March 31, 2001, there were 80 Crown attorneys employed by the Public Prosecution Service. They were assisted in their duties by 54 support staff.

ORGANIZATION DESCRIPTION

The head office of the Service comprises its senior management, including the Director of Public Prosecutions, the Deputy Director, the chief Crown attorney (Appeals), the chief Crown attorney (Special Prosecutions), the Director of Communications, the Manager of Administrative Services, and their support staff.

The Deputy Director assists the Director and is primarily responsible for the legal operations of the Service. Along with the chief Crown attorneys for Appeals and Special Prosecutions, five chief Crown attorneys report through the Deputy Director to the Director. Chief Crown attorneys are resident in the Western, Cape Breton, Halifax, and Central regions. In the Halifax Region, two chief Crown attorneys supervise the activities of Crown attorneys together with their support staff. In the Western, Central, and Cape Breton regions, a chief Crown attorney supervises the activities of Crown attorneys and their support staff. The regional offices both respond to requests from the police for pre-charge legal advice and conduct preliminary inquiries and trials before the various trial courts of the province.

Special Prosecutions Section

This section primarily focuses on commercial crime, fraud, extraordinary, unusual, or historical sexual assaults, and charges under the province's Revenue Act. Members of this unit also prosecute cases that present conflicts for regional offices, or may be involved where a law enforcement officer is the subject of a police investigation or a prosecution.

Appeals Branch

This branch is responsible for conducting all criminal and quasi-criminal appeals to which the Attorney General is a party in the Nova Scotia Court of Appeal and the Supreme Court of Canada. The Appeals Branch also conducts all proceedings required before an appeal is heard by the court. These proceedings include Chambers motions in the Court of Appeal and applications for leave to appeal in the Supreme Court of Canada.

Freedom of Information and Protection of Privacy Act

The Service's coordinator for the Freedom of Information and Protection of Privacy Act is also located in the head office. For the period April 1, 1999, to March 31, 2000, the Service received 27 applications for records under this act. For the period April 1, 2000, to March 31, 2001, the Service received 21 applications.

The organizational structure of the Public Prosecution Service is illustrated by the chart on page 25.

ORGANIZATIONAL STRUCTURE

Director of Public Prosecutions
Manager, Administrative Services
Director of Communications
Deputy Director of Public Prosecutions
Chief Crown Attorney Special Prosecutions Section
Crown Attorneys Support Staff
Chief Crown Attorney Halifax Region 2 Positions
Crown Attorneys Support Staff
Chief Crown Attorney Western Region
Crown Attorneys Support Staff
Chief Crown Attorney Central Region
Crown Attorneys Support Staff
Chief Crown Attorney Cape Breton Region
Crown Attorneys Support Staff
Chief Crown Attorney Appeals Branch
Crown Attorneys Support Staff

APPENDIXES

APPENDIX A
CRIMINAL CODE CASES PROSECUTED BY OFFICE, CATEGORY OF OFFENCE
April 1, 1999–March 31, 2000

	Bedford	Halifax	Dartmouth	**Halifax Region**	Amherst	New Glasgow	Truro	Antigonish	**Central Region**
Homicide & Related		18		**18**		2	3		**5**
Attempted Murder	2	1		**3**	1		4		**5**
Robbery	24	126	51	**201**	2	6	12	2	**22**
Sexual Assault	29	37	37	**103**	16	12	17	4	**49**
Sexual Abuse	23	10	25	**58**	9	3	2	1	**15**
Kidnapping	7	54	6	**67**	4	2	8	2	**16**
Abduction				**0**		2			**2**
Break & Enter	166	278	176	**620**	129	82	137	28	**376**
Weapons	85	226	145	**456**	38	27	69	12	**146**
Fraud	207	218	265	**690**	93	122	533	66	**814**
Major Assault	61	336	239	**636**	79	47	95	13	**234**
Simple Assault	182	506	486	**1,174**	118	201	234	71	**624**
Theft Under	331	748	511	**1,590**	124	104	290	51	**569**
Possession Under	328	516	499	**1,343**	83	43	156	3	**285**
Arson	2	2	13	**17**	1	2	1	1	**5**
Property Damage	123	154	113	**390**	90	85	131	37	**343**
Morality (Sexual)	15	153	95	**263**	9	7	8	7	**31**
Morality (Gambling)		2		**2**	2				**2**
Public Order	12	13	10	**35**	18	26	35	14	**93**
C.C. Traffic	52	62	88	**202**	37	29	58	17	**141**
Admin of Justice	419	896	891	**2,206**	308	506	679	212	**1,705**
Impaired Driving	451	559	456	**1,466**	255	256	393	261	**1,165**
Other Criminal Code	122	393	249	**764**	103	116	80	35	**334**
Theft Over	56	52	51	**159**	6	8	25	7	**46**
Joy Riding	11	6	21	**38**	19	6	11	4	**40**
Possession Over	42	58	50	**150**	14	1	39	1	**55**
Unknown			2	**2**					**0**
Total Cases by Office & Region	**2,750**	**5,424**	**4,479**	**12,653**	**1,558**	**1,695**	**3,020**	**849**	**7,122**

APPENDIX A
CRIMINAL CODE CASES PROSECUTED BY OFFICE, CATEGORY OF OFFENCE
April 1, 1999–March 31, 2000

	Kentville	Bridgewater	Yarmouth	Digby	**Western Region**	Sydney	Port Hawkesbury	**Cape Breton Region**	**Total for all Regions**
Homicide & Related				1	**1**	4		**4**	**28**
Attempted Murder		1			**1**	1	2	**3**	**12**
Robbery	8	1	4	8	**21**	9	2	**11**	**255**
Sexual Assault	29	28	21	21	**99**	33	21	**54**	**305**
Sexual Abuse	7	6	9	13	**35**	7	3	**10**	**118**
Kidnapping	2	1	3	9	**15**	8	1	**9**	**107**
Abduction		1			**1**			**0**	**3**
Break & Enter	241	133	137	65	**576**	212	16	**228**	**1,800**
Weapons	41	44	55	80	**220**	109	12	**121**	**943**
Fraud	126	182	180	22	**510**	176	21	**197**	**2,211**
Major Assault	84	55	38	42	**219**	198	67	**265**	**1,354**
Simple Assault	312	171	155	144	**782**	480	77	**557**	**3,137**
Theft Under	274	103	93	72	**542**	304	15	**319**	**3,020**
Possession Under	126	59	88	17	**290**	134	15	**149**	**2,067**
Arson	2	2		1	**5**	11	4	**15**	**42**
Property Damage	159	62	66	87	**374**	217	37	**254**	**1,361**
Morality (Sexual)	26	7	12	7	**52**	32	7	**39**	**385**
Morality (Gambling)					**0**			**0**	**4**
Public Order	33	39	30	42	**144**	42	10	**52**	**324**
C.C. Traffic	40	38	32	32	**142**	51	22	**73**	**558**
Admin of Justice	735	416	459	405	**2,015**	1,355	145	**1,500**	**7,426**
Impaired Driving	506	232	284	171	**1,193**	658	218	**876**	**4,700**
Other Criminal Code	189	89	89	102	**469**	396	74	**470**	**2,037**
Theft Over	60	16	28	10	**114**	9	2	**11**	**330**
Joy Riding	10	8	7	11	**36**	18	4	**22**	**136**
Possession Over	17	2	1	4	**24**	1	2	**3**	**232**
Unknown					**0**			**0**	**2**
Total Cases by Office & Region	**3,027**	**1,696**	**1,791**	**1,366**	**7,880**	**4,465**	**777**	**5,242**	**32,897**

APPENDIX A
CRIMINAL CODE CASES PROSECUTED BY OFFICE, CATEGORY OF OFFENCE
April 1, 2000–March 31, 2001

	Bedford	Halifax	Dartmouth	**Halifax Region**	Amherst	New Glasgow	Truro	Antigonish	**Central Region**
Homicide & Related		3	2	**5**					**0**
Attempted Murder		7	6	**13**			1	2	**3**
Robbery	4	111	117	**232**	2	1	7		**10**
Sexual Assault	2	30	62	**94**	35	5	15	7	**62**
Sexual Abuse	3	7	24	**34**	7	1	6		**14**
Kidnapping		25	26	**51**	3	1	8		**12**
Abduction			1	**1**	1	2		1	**4**
Break & Enter	53	325	180	**558**	96	89	164	15	**364**
Weapons	5	214	217	**436**	35	29	57	16	**137**
Fraud	20	342	204	**566**	81	108	297	63	**549**
Major Assault	19	321	240	**580**	43	61	124	24	**252**
Minor Assault	35	559	623	**1,217**	169	165	281	54	**669**
Theft	73	863	533	**1,469**	115	142	256	38	**551**
Stolen Property	91	784	494	**1,369**	60	50	224	11	**345**
Arson	1	17		**18**	3	3	7	2	**15**
Property Damage	27	188	131	**346**	41	60	134	40	**275**
Morality (Sexual)	1	104	63	**168**	1	6	8	4	**19**
Morality (Gambling)		1		**1**					**0**
Public Order	8	101	76	**185**	42	24	66	16	**148**
C.C. Traffic	11	109	91	**211**	23	30	46	12	**111**
Admin of Justice	133	1,245	1,032	**2,410**	237	389	796	170	**1,592**
Impaired Driving	138	698	521	**1,357**	184	235	323	195	**937**
Other Criminal Code	27	448	392	**867**	89	85	131	47	**352**
Unknown		2	1	**3**					**0**
Total Cases by Office & Region	**651**	**6,504**	**5,036**	**12,191**	**1,267**	**1,486**	**2,951**	**717**	**6,421**

APPENDIX A
CRIMINAL CODE CASES PROSECUTED BY OFFICE, CATEGORY OF OFFENCE
April 1, 2000–March 31, 2001

	Kentville	Bridgewater	Yarmouth	Digby	**Western Region**	Sydney	Port Hawkesbury	**Cape Breton Region**	**Total for all Regions**
Homicide & Related	3				**3**	3	1	**4**	**12**
Attempted Murder					**0**	1		**1**	**17**
Robbery	9		4		**13**	13		**13**	**268**
Sexual Assault	23	28	19	14	**84**	33	21	**54**	**294**
Sexual Abuse	14	10	13	1	**38**	10	3	**13**	**99**
Kidnapping	7	4	2	1	**14**	8		**8**	**85**
Abduction			1		**1**			**0**	**6**
Break & Enter	156	91	80	112	**439**	141	10	**151**	**1,512**
Weapons	63	42	43	30	**178**	75	23	**98**	**849**
Fraud	173	109	61	65	**408**	188	9	**197**	**1,720**
Major Assault	71	57	35	28	**191**	158	73	**231**	**1,254**
Minor Assault	254	135	144	115	**648**	470	98	**568**	**3,102**
Theft	203	120	112	73	**508**	335	45	**380**	**2,908**
Stolen Property	104	41	49	26	**220**	101	16	**117**	**2,051**
Arson	4	2	8	5	**19**	14		**14**	**66**
Property Damage	145	137	83	77	**442**	225	37	**262**	**1,325**
Morality (Sexual)	3	12		4	**19**	11	7	**18**	**224**
Morality (Gambling)					**0**	4		**4**	**5**
Public Order	45	65	41	36	**187**	82	17	**99**	**619**
C.C. Traffic	29	27	19	28	**103**	34	14	**48**	**473**
Admin of Justice	619	379	402	339	**1,739**	1,267	158	**1,425**	**7,166**
Impaired Driving	393	210	195	204	**1,002**	563	193	**756**	**4,052**
Other Criminal Code	164	108	65	76	**413**	337	51	**388**	**2,020**
Unknown					**0**	1		**1**	**4**
Total Cases by Office & Region	**2,482**	**1,577**	**1,376**	**1,234**	**6,669**	**4,074**	**776**	**4,850**	**30,131**

APPENDIX B
PROVINCIAL CASES PROSECUTED BY OFFICE, CATEGORY OF OFFENCE
April 1, 1999–March 31, 2000

Region (Office)	Motor Vehicle Act	Liquor Control Act	Other Prov. Statutes	Total Cases	Prosecuted by PPS	Prosecuted by Municipality
Halifax						
Bedford	773	30	52	855	855	
Halifax	725	21	67	813	813	
Dartmouth	405	9	84	498	498	
	1,903	**60**	**203**	**2,166**	**2,166**	
Central						
Amherst	237	49	50	336	266	70
New Glasgow	1,641	443	132	2,216	1,587	629
Truro	280	56	61	397	364	33
Antigonish	117	75	68	260	260	0
	2,275	**623**	**311**	**3,209**	**2,477**	**732**
Western						
Kentville	371	94	86	551	445	106
Bridgewater	378	118	116	612	493	119
Yarmouth	533	193	108	834	781	53
Digby	786	179	87	1,052	937	115
	2,068	**584**	**397**	**3,049**	**2,656**	**393**
Cape Breton						
Sydney	1,434	820	168	2,422	2,422	0
Port Hawkesbury	127	37	26	190	156	34
	1,561	**857**	**194**	**2,612**	**2,578**	**34**
Total	**7,807**	**2,124**	**1,105**	**11,036**	**9,877**	**1,159**

APPENDIX B Continued
PROVINCIAL CASES PROSECUTED BY OFFICE, CATEGORY OF OFFENCE
April 1, 2000–March 31, 2001

Region (Office)	Motor Vehicle Act	Liquor Control Act	Other Prov. Statutes	Total Cases	Prosecuted by PPS	Prosecuted by Municipality
Halifax						
Bedford	116	2	155	273	273	
Halifax	900	36	134	1,072	1,072	
Dartmouth	898	21	141	1,060	1,060	
	1,914	**61**	**430**	**2,405**	**2,405**	
Central						
Amherst	118	50	57	225	156	69
New Glasgow	1,185	329	69	1,583	1,134	449
Truro	288	54	87	429	429	0
Antigonish	102	21	45	168	168	0
	1,693	**454**	**258**	**2,405**	**1,887**	**518**
Western						
Kentville	379	71	70	520	421	99
Bridgewater	407	111	76	594	478	116
Yarmouth	796	181	102	1,079	1,011	68
Digby	695	173	132	1,000	890	110
	2,277	**536**	**380**	**3,193**	**2,800**	**393**
Cape Breton						
Sydney	1,050	524	151	1,725	1,725	0
Port Hawkesbury	102	29	35	166	136	30
	1,152	553	186	1,891	1,861	30
Total	**7,036**	**1,604**	**1,254**	**9,894**	**8,953**	**941**

APPENDIX C
APPEALS BRANCH STATISTICS

The following are statistics related to the operations of the Appeals Branch for the two fiscal years noted.

For fiscal 1999–2000:

The Branch participated in 35 appeals heard by the Court of Appeal.

Of this number:

- 10 were initiated by the Crown
- 25 were initiated by the offender
- 5 involved young offenders

Of the 10 appeals initiated by the Crown:

- 3 dealt with stays of proceedings
- 2 dealt with acquittals
- 1 dealt with sentence
- 1 dealt with an order for costs
- 1 dealt with a motion to quash a notice of appeal
- 1 dealt with a transfer order under the Young Offenders Act
- 1 dealt with a decision of the NS Review Board

Of the 25 appeals initiated by offenders:

- 12 dealt with conviction only
- 7 dealt with sentence
- 3 dealt with conviction and sentence
- 1 dealt with a transfer order under the Young Offenders Act
- 2 dealt with interlocutory orders.

The Appeals Branch also participated in 21 appeals that were abandoned, quashed, or dismissed without a full hearing in the Court of Appeal.

Of these:

- 6 were initiated by the Crown
- 15 were initiated by the offender

The Appeals Branch participated in 92 Chambers motions, which are applications heard by a single judge of the Court of Appeal. Chambers motions include applications for hearing dates, adjournments, bail pending appeal, extensions of time for appeal, directions in a particular appeal, and striking appeals from the Court's docket.

In the Supreme Court of Canada, the Appeals Branch participated in two appeals heard by the Court (and judgment reserved) and received decision in an appeal in which the Branch had participated as an intervenor. The Branch also participated in two applications for leave to appeal to the Supreme Court.

For fiscal 2000–01:

The Branch participated in 42 appeals heard by the Court of Appeal.

Of this number:

- 6 were initiated by the Crown
- 36 were initiated by offenders
- 4 involved young offenders

Of 6 appeals initiated by the Crown:

- 2 dealt with acquittals
- 4 dealt with sentence

Of 36 appeals initiated by offenders:

- 17 dealt with conviction
- 6 dealt with sentence
- 12 dealt with conviction and sentence
- 1 dealt with a decision of the Review Board

The Appeals Branch also participated in 21 appeals that were either abandoned, quashed, or dismissed without a full hearing in the Court of Appeal.

Of these:

- 7 were initiated by the Crown
- 14 were initiated by offenders

The Appeals Branch participated in 111 Chambers motions, which include applications for hearing dates, adjournments, bail pending appeal, extensions of time for appeal, directions in a particular appeal, and striking appeals from the Court's docket.

In the Supreme Court of Canada, the Appeals Branch received decision in two appeals and received decision in one case in which the Attorney General was an intervenor. The Branch also participated in seven applications for leave to appeal and one contested motion for intervention.

APPENDIX D
PUBLIC PROSECUTIONS ACT

AN ACT TO PROVIDE FOR AN INDEPENDENT DIRECTOR OF PUBLIC PROSECUTIONS

An Act to Provide for an Independent Director of Public Prosecutions

Short Title

1 This Act may be cited as the Public Prosecutions Act.

Purpose of Act

2 The purpose of this Act is to ensure fair and equal treatment in the prosecution of offences by

(a) establishing the position of Director of Public Prosecutions;

(b) providing for a public prosecution service; and

(c) providing for the independence of the Director of Public Prosecutions and the public prosecution service.

Interpretation

3 In this Act, "prosecution" includes the decision whether to prosecute or not, the prosecution proceeding itself and matters arising therefrom, and appeals.

4 There shall be a Director of Public Prosecutions who

(a) is the head of the public prosecution service and is responsible for all prosecutions within the jurisdiction of the Attorney General conducted on behalf of the Crown;

(b) may conduct all prosecutions independently of the Attorney General except that the Director of Public Prosecutions shall comply with all instructions or guidelines issued by the Attorney General in writing and published pursuant to this Act;

(c) is, for the purpose of the Criminal Code (Canada) and the Summary Proceedings Act, the Attorney General's lawful deputy in respect of prosecutions;

(d) shall advise police officers in respect of prosecutions generally or in respect of a particular investigation that may lead to a prosecution when the police request such assistance;

(e) may issue general instructions or guidelines to a chief Crown attorney, a regional Crown attorney or a Crown attorney in respect of all prosecutions or a class of prosecutions, and shall cause such instructions or guidelines to be published.

(f) may issue instructions or guidelines to a chief Crown attorney, a regional Crown attorney or a Crown attorney in a particular prosecution.

Qualifications and appointment

5 (1) The Director of Public Prosecutions

(a) shall be a barrister of at least ten years standing at the Bar of Nova Scotia or of another province of Canada, and if of another province, shall, within one year of appointment, become a practising member of the Bar of Nova Scotia;

(b) shall be appointed by the Governor in Council after consultation with the Chief Justice of Nova Scotia, the Chief Justice of the Trial Division of the Supreme Court and the Executive of the Nova Scotia Barristers' Society;

(c) holds office during good behaviour;

(d) has the status of deputy head and the provisions of the Civil Service Act and regulations relating to a deputy or a deputy head apply to the Director of Public Prosecutions; and

(e) shall be paid the same salary as the Chief Judge of the provincial court.

Removal from office

(2) The Director of Public Prosecutions may be removed from office for cause by a resolution of the Assembly.

Acting Director of Public Prosecutions

(3) Where, while the Assembly is not sitting, the Director of Public Prosecutions fails to be of good behaviour, or is unable to perform the duties of office, the Governor in Council may appoint a person to be Acting Director of Public Prosecutions who shall take over the duties of the Director of Public Prosecutions until the Governor in Council sooner rescinds the appointment of the Acting Director of Public Prosecutions. *As amended by 1999 (2nd session), c.16, s.1(1).*

(4) Where a vacancy occurs in the office of the Director of Public Prosecutions in a manner other than that referred to in subsection (2), the Governor in Council may appoint a person to be Acting Director of Public Prosecutions until a Director of Public Prosecutions is appointed pursuant to this Act. *As amended by 1999 (2nd session) c.16, s.1(2).*

Power and duties of Attorney General

6 The Attorney General is the minister responsible for the prosecution service and is accountable to the Assembly for all prosecutions to which this Act applies and

(a) after consultation with the Director of Public Prosecutions, may issue general instructions or guidelines in respect of all prosecutions, or a class of prosecutions, to the prosecution service and shall cause all such instructions or guidelines to be in writing and to be published at the direction of the Director of Public Prosecutions as soon as practicable in the Royal Gazette;

(b) after consultation with the Director of Public Prosecutions, may issue instructions or guidelines in a particular prosecution, and shall cause such instructions or guidelines to be in writing and to be published at the direction of the Director of Public Prosecutions as soon as practicable in the Royal Gazette except where, in the opinion of the Director of Public Prosecutions, publication would not be in the best interests of the administration of justice, in which case the Director of Public Prosecutions, instead, shall publish as much information concerning the instructions or guidelines as the Director of Public Prosecutions considers appropriate in the next annual report of the Director of Public Prosecutions to the Assembly;

(c) may consult with the Director of Public Prosecutions and may provide advice to the Director of Public Prosecutions and, subject to clauses (a) and (b), the Director of Public Prosecutions is not bound by such advice;

(d) may consult with members of the Executive Council regarding general prosecution policy but not regarding a particular prosecution;

(e) may exercise statutory functions with respect to prosecutions, including consenting to a prosecution, preferring an indictment or authorizing a stay of proceedings, after consultation with the Director of Public Prosecutions and shall cause notice of such action to be published at the direction of the Director of Public Prosecutions as soon as practicable in the Royal Gazette. *As amended by 1999 (2nd session) c.16, s.2.*

6A The Attorney General and the Director of Public Prosecutions shall meet at least twelve times a year, on a monthly basis if possible, to discuss policy matters, including existing and contemplated major prosecutions. *As amended by 1999 (2nd session) c.16, s.3.*

6B (1) In this Section, "extraordinary prosecution" means an unexpected or unforeseen prosecution that cannot be undertaken within the budget appropriated for the public prosecution service but is of such a magnitude and importance that, in the opinion of the Director of Public Prosecutions, the prosecution should be undertaken notwithstanding the lack of financial resources.

(2) The Director of Public Prosecutions may spend in any fiscal year an amount that is not more than five per cent more than the amount appropriated for the public prosecution service for that year for the purpose of undertaking an extraordinary prosecution.

(3) The Governor in Council shall provide the additional funds referred to in subsection (2) through a supplementary appropriation.

(4) Where the Governor in Council has provided the funds referred to in subsection (3) and deems it advisable to conduct a review of the need for the additional funds, the Governor in Council may appoint a qualified person to conduct the review. *As amended by 1999 (2nd session) c.16, s.3.*

Deputy Director of Public Prosecutions

7 The Director of Public Prosecutions may, from time to time, designate a barrister in the public service to be Deputy Director of Public Prosecutions who is responsible to the Director of Public Prosecutions and who may exercise all of the powers and authority of the Director of Public Prosecutions and, for that purpose, is a lawful deputy of the Attorney General.

Crown attorneys

8 There shall be Crown attorneys to conduct prosecutions and the Crown attorneys are responsible to the Director of Public Prosecutions and, where applicable, to a chief Crown attorney or a regional Crown attorney.

Regional Crown attorneys

9 There may be a regional Crown attorney to supervise Crown attorneys within a geographic area determined by the Director of Public Prosecutions, and a regional Crown attorney is responsible to the Director of Public Prosecutions.

Chief Crown Attorneys

10 There may be a chief Crown attorney to supervise Crown attorneys and, where applicable, regional Crown attorneys, and a chief Crown attorney is responsible to the Director of Public Prosecutions.

Powers, authorities and duties

11 A chief Crown attorney, a regional Crown attorney and a Crown attorney have all the powers, authorities, and duties provided by the criminal law of Canada for prosecutors, for prosecuting officers or for counsel acting on behalf of the Attorney General.

Qualifications

12 All chief Crown attorneys, all regional Crown attorneys, and all full-time Crown attorneys shall be barristers appointed pursuant to the Civil Service Act upon the recommendation of the Director of Public Prosecutions after a competition.

Annual report

13 The Director of Public Prosecutions shall report annually to the Assembly in respect of prosecutions.

Appointment of barrister

14 (1) The Director of Public Prosecutions may appoint a barrister to take charge of and conduct a particular prosecution or to take charge of and conduct criminal business to the extent specified in the terms of the appointment.

Powers and authority of barrister

(2) A barrister appointed pursuant to this Section shall be known and designated as a Crown attorney and, when acting within the terms of the appointment, has all the powers and authority of a Crown attorney.

Terms of appointment

(3) The Director of Public Prosecutions may, from time to time, vary the terms of appointment of a Crown attorney pursuant to this Section or may, at any time, revoke the appointment.

Existing prosecuting officers

15 Notwithstanding Section 12, all prosecuting officers and assistant prosecuting officers employed by the Province immediately before the coming into force of this Act are Crown attorneys for the purpose of this Act.

House of Assembly Act amended

16 Clause (c) of subsection (1) of Section 30 of Chapter 210 of the Revised Statutes, 1989, the House of Assembly Act, is amended by striking out the punctuation and words "prosecuting officer" in the second and third lines thereof.

Repeal of Prosecuting Officers Act

17 Chapter 362 of the Revised Statutes, 1989, the Prosecuting Officers Act, is repealed.

Proclamation

18 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation.

Proclaimed - July 24, 1990
In force - September 1, 1990
Amended by Chapter 16, 1999 (Second Session)
which received Royal Assent on November 23, 1999

APPENDIX E
BUDGET RESOURCES

	Actual 1999–2000 $(000s)	Actual 2000–01 $(000s)
Head Office		
Salaries and Benefits	505.4	445.0
Operating Costs	640.2	194.8
Recoveries	-290.5	-293.7
Special Prosecutions		
Salaries and Benefits	875.6	809.0
Operating Costs	495.0	543.9
Appeals		
Salaries and Benefits	583.8	607.2
Operating Costs	48.1	176.6
Cape Breton Region		
Salaries and Benefits	981.1	963.8
Operating Costs	236.7	306.6
Central Region		
Salaries and Benefits	1046.5	1090.0
Operating Costs	312.5	381.6
Halifax Region		
Salaries and Benefits	2812.0	2923.1
Operating Costs	619.9	746.4
Western Region		
Salaries and Benefits	1260.5	1235.0
Operating Costs	231.9	271.4
Professional Services	261.9	0.0
Total		
Salaries and Benefits	8067.9	8073.1
Operating Costs	2846.2	2621.3
Recoveries	-290.5	-293.7